

To: Representative Karl Rhodes, Chair- House Committee on Judiciary;
Representative Joy San Buenaventura, Vice Chair; and members of the Committee

From: Nonohe Botelho,

Date: Friday, March 20, 2015

Re: **HR 43:** Establishing a Working Group to Study, Review, and Revise the Definition of Murder in the First Degree.

Aloha, my name is Nonohe Botelho. I am the Hawaii Contact Person for the National Organization of Parents of Murdered Children (POMC). I became affiliated with Parents of Murdered Children in 2011 after my son, Joel Kealiinoa Botelho, was gunned down and executed in front of our home in Kaneohe. I am here today in support of **HR 43:** Establishing a Working Group to Study, Review, and Revise the Definition of Murder in the First Degree.

Months after Joel was murdered we found out that he was executed after being ordered to “get on his knees and beg for his life”. Evidence by the medical examiner concluded that Joel was on his knees when he was shot at close range into his chest. The bullet traveled at a downward motion, suggesting the shooter was standing above him. The bullet hit all his vital organs and lodged in his hip. He died instantly.

In addition, we found out that the defendant called his cousins and siblings to assist him in his plan to shoot my younger son. There were 10 people at my house that night. Five were on foot advancing to my front door and the others were waiting in their cars ready to get away. This was a planned, premeditated, heinous act. In 34 other States this would have been a First Degree Murder and those that participated would have been culpable. None of these individuals were ever charged.

Finding out how Joel died took the wind out of me and I literally fell to MY KNEES! I was left with so many questions. Could Joel have survived the shot if he was standing? Why order him to his knees? Why was the defendant charged with Second Degree Murder and not First Degree Murder, for this heinous crime?

In December 2011, the defendant was found guilty of Second Degree Murder, Attempted Second Degree Murder, various gun and drug charges. Throughout our ordeal the judge, the detectives and the prosecutors all repeated the same thing, regarding First Degree Murder, “Our hands are tied. If you have concerns address it to the lawmakers.”

So I am here today asking you, the lawmakers, to support HR 43, Establishing a Working Group to Study, Review, and Revise the Definition of Murder in the First Degree. ANY discussion on this matter is a step in the right direction.

Thank you for your time and consideration